

Tanya King

From: Cory Fleming
Sent: Tuesday, November 13, 2018 9:14 AM
To: Tanya King
Subject: FW: Satterfield v. Murdaugh - Response to demand [GWB-IMANMAIN.FID625305]
Attachments: Response to demand.PDF

Tanya,

We need to hold this until we get the PR changed. I will tell you when you need to do something

Thank you,

Cory Fleming
Moss, Kuhn & Fleming, PA
PO Box 507
Beaufort, SC 29901
(843) 524-3373

Confidentiality Note:

This message is intended exclusively for the individual or which it is addressed. This communication may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately either by phone (843) 524-3373 or reply to this e-mail and delete all copies of this message.

From: Mary Beth Morgan [<mailto:mmorgan@gwblawfirm.com>]
Sent: Monday, November 12, 2018 4:43 PM
To: Cory Fleming
Cc: David Rheney; Jennifer Johnsen; swallinger@collinsandlacy.com
Subject: Satterfield v. Murdaugh - Response to demand [GWB-IMANMAIN.FID625305]

Good afternoon,

The attached correspondence is being sent to you at the request of David Rheney in the above-referenced matter.

Should you have any difficulty opening the attachment, please do not hesitate to contact me.

Thank you.



Mary Beth Morgan
Legal Assistant
mmorgan@gwblawfirm.com

Gallivan, White & Boyd P.A.
Office 55 Beattie Place | Suite 1200 | Greenville SC 29601
864 241 7004 Direct | 864 271 9580 Main | 864 271 7502 Fax
Mailing Post Office Box 10589 | Greenville SC 29603
vCard | BioURL | Website



T. DAVID RHENEY
A member of the South Carolina Bar
DRheney@GWBlawfirm.com

November 12, 2018

Via E-mail

Cory H. Fleming, Esq.
MOSS, KUHN & FLEMING, P.A.
1501 North Street
P.O. Drawer 507
Beaufort, SC 29901-0507

<i>Re:</i>	<i>Your client:</i>	<i>Estate of Gloria Satterfield</i>
	<i>Underwriters' Insured:</i>	<i>R. Alexander Murdaugh</i>
	<i>Date of Loss:</i>	<i>February 2, 2018</i>
	<i>Date of Death:</i>	<i>February 26, 2018</i>
	<i>Claim No.:</i>	<i>4151474</i>

Dear Cory:

This letter is in response to your October 26, 2018 letter to R. Scott Wallinger, Jr. of Collins & Lacy, P.C. demanding payment of the homeowners policy limits of \$500,000 under policy number BB303210L-5261 subscribed by Certain Underwriters at Lloyds, London ("Underwriters") to R. Alexander Murdaugh for the policy period effective January 6, 2018 to January 6, 2019 ("the Policy") in exchange for a "policy release." Mr. Wallinger has been retained by Underwriters to defend Mr. and Mrs. Murdaugh in connection with the pre-suit claim being pursued against them by the Estate of Gloria Satterfield ("the Estate"). This firm has been retained by Underwriters to respond to the policy limits demand and other matters concerning the Policy.

It is our understanding that the incident giving rise to this claim occurred on February 2, 2018, at a residence owned by Mr. Murdaugh located at 4157 & 4147 Mozelle Road, Islandton, South Carolina. On that date, Gloria Satterfield, a housekeeper for the Murdaughs, sustained injuries while allegedly walking up the front stairs of the Murdaughs' residence. She was treated for various injuries and subsequently passed away on February 26, 2018.

Enclosed with the demand letter are medical records from Trident Medical Center for dates of service 2/2/18 and 2/5/18. You also provided a copy of the transport medical record dated 2/2/18 as well as copies of medical bills from Med-Trans and Trident Medical Center and the death certificate. According to your letter, the medical bills for Ms. Satterfield are approximately \$700,000.

Cory H. Fleming, Esq.
November 12, 2018
Page 2 of 2

It is our understanding that if the Policy limits are tendered, the Estate will not provide a release nor will it execute a covenant not to execute in favor of the Murdaughs because there is concern that doing so will impair the ability of the Estate to pursue other insurance that may be available. It is also our understanding that if the Policy limits are tendered that the Estate will defer from filing a lawsuit against the Murdaughs while efforts are being made to mediate the claim with Nautilus, the umbrella carrier for the Murdaughs. Finally, it our understanding that reference in your demand letter to a "policy release" refers to the Estate's willingness to acknowledge receipt of the Policy limits if such limits are paid.

As an initial matter, you have made a time limit demand for the Policy limits on behalf of the Estate of Gloria Satterfield, presumably under *Tyger River Pine Co. v. Maryland Casualty Co.*, 170 S.E.346, 170 S.C. 286 (1933). That case, however, does not stand for the proposition that a third-party claimant can make such a demand under a policy to which it is not a party. Further, we are not aware of any common or statutory law in South Carolina that permits arbitrary "time demands" in cases such as this one, nor are we aware of any common or statutory law in South Carolina supporting the validity of time demands. If you are aware of any statutory or common law authority that provides those rights to the Estate, we would appreciate your providing that authority to us.

Nevertheless, after carefully considering the demand made on behalf of the Estate, please be advised that Underwriters have agreed to tender the Policy limits of \$500,000 under Coverage E – Personal Liability, as well as the \$5,000 limit under Coverage F – Medical Payments to Others, in exchange for the Estate's agreement to defer filing a lawsuit against the Murdaughs while efforts are being made to mediate the claim with Nautilus. Please note that we cannot confirm nor do we have any knowledge that Nautilus has agreed to mediation. This tender is made in good faith with the full knowledge and consent of the Murdaughs. Please let me know if you have any questions. In addition, please provide me with a copy of your firm's W-9 as well as payment instructions.

With kind personal regards, we are

Very truly yours,

GALLIVAN, WHITE AND BOYD, P.A.


T. David Rheney
Direct Dial: (864) 241-7001

TDR/mbm

cc: R. Scott Wallinger, Jr., Esq.